

Attorney Docket No.: 16045-4

REMARKS

Introduction

Claims 1-31 were in the present application. Claims 1-31 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of copending U.S. Patent Application No. 10/638,921, which is under examination and has not yet been allowed.

Claims 1-6, 9-20, 23 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the hypothetical combination of U.S. Patent Application No. 6,424,845 to Emmoft, U.S. Patent Application No. 6,695,215 to Robertson, and U.S. Patent Application No. 6,015,093 to Barret et al. Claims 7, 8 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the hypothetical combination of Emmoft-Robertson-Barret in view of U.S. Patent Application No. 6,125,192 to Bjorn et al. Claims 24-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the hypothetical combination of Emmoft in view of U.S. Patent No. 4,636,622 to Clark.

In the present Amendment, claims 1, 5 and 31 have been amended. Claims 24-30 have been cancelled without prejudice or disclaimer. Accordingly, claims 1-23 and 31 are currently pending in the application. Claims 1, 5 and 31 are independent.

Non-Statutory Double Patenting Rejections

Claims 1-31 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of copending U.S. Patent Application No. 10/638,921, which is under examination and has not yet been allowed.

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By the present Amendment, claims 24-30 have been cancelled without prejudice or disclaimer.

Thus this rejection is moot with respect to those claims.

With respect to claims 1-23 and 31, applicant acknowledges the provisional non-statutory double patenting rejections set forth in the Office Action. By this Amendment, Applicant addresses the other rejections and objections set forth in the Office Action. Applicant respectfully submits that, due to the provisional nature of the non-statutory double patenting rejections, the provisional non-statutory double patenting rejections will be addressed at a later date, as necessary.

Rejections Under 35 U.S.C § 103(a)

Claims 1-6, 9-20, 23 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the hypothetical combination of Emmoft, Robertson, and Barret.

Amended independent claim 1 of the present application recites an intelligent ID card holder for an intelligent ID card. The card holder comprises a receptacle for receiving the intelligent ID card, the receptacle electrically communicating with the intelligent ID card by contacts or RF antenna, the receptacle including a cut away section for viewing substantially all of a side of the ID card, the receptacle including a cutout, wherein the holder is adapted to be placed on a string by way of the cutout, and to be worn on a user's neck. A memory in the holder or on the card can hold stored data representative of features of the authentic user of the card. A sensor for collecting data representative of features of the current user of the card, and a microcomputer to compare the stored data with the sensed data to determine whether the current user is the authentic user are also included.

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Applicant respectfully submits that the proposed hypothetical Emmoft--Robertson--Barret combination does not describe all of the features claimed by amended claim 1 of the present application. For example, claim 1 is directed to an intelligent ID card holder for an intelligent ID card, and recites, *inter alia*, "a receptacle for receiving the intelligent ID card, the receptacle electrically communicating with the intelligent ID card by contacts or RF antenna ...the receptacle including a cutout, wherein the holder is adapted to be placed on a string by way of the cutout, and to be worn on a user's neck."

As described in the specification of the present application, "To serve conveniently as an ID card holder, cutout 1203 allows the holder to be placed on a cord, string, or chain (not shown) and to be worn on a user's neck, or otherwise conveniently attached to a user." See Present Application, page 12, Ins. 9-11 and FIG. 12.

As understood by applicant, neither Emmoft nor Robertson, nor Barret, either alone, or in any hypothetical combination, teaches, suggests, or provides motivation for an intelligent ID card holder for an intelligent ID card comprising a receptacle for receiving the intelligent ID card, the receptacle electrically communicating with the intelligent ID card by contacts or RF antenna ...the receptacle including a cutout, wherein the holder is adapted to be placed on a string by way of the cutout, and to be worn on a user's neck.

Accordingly, Applicant submits that claim 1, as amended, of the present application is patentable over the hypothetical combination of Emmoft--Robertson--Barret, and withdrawal of the rejection to that claim under 35 U.S.C. § 103(a) is respectfully requested.

Independent claims 5 and 31 have been amended to recite features similar to those discussed above with respect to claim 1. For example, claim 5 recites "the receptacle including a cutout, wherein the holder is adapted to be placed on a string by way of the cutout, and to be

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worn on the user's neck" and claim 31 recites "the receptacle including a cutout, wherein the holder is adapted to be placed on a string by way of the cutout, and to be worn on the user's neck" Accordingly, Applicant submits that independent claims 5 and 31 of the present application are patentable over the hypothetical combination of Emmoft--Robertson--Barret, at least for the reasons stated above with respect to the rejection to claim 1, and withdrawal of the rejection to that claim under 35 U.S.C. § 103(a) is respectfully requested.

Dependent claims 2-4, 6, 9-20, 22, and 23 each ultimately depend from one of claims 1 and 5. Accordingly, Applicant submits that claims 2-4, 6, 9, 10-20, 22, and 23 of the present application are each patentable over the hypothetical combination of Emmoft, Robertson, and Barret, at least for the reasons stated above with respect to the rejections to claims 1 and 5, and withdrawal of the rejection to claims 2-4, 6, 9, 10-20, 22, and 23 under 35 U.S.C. § 103(a) is respectfully requested.

Claims 7, 8 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the hypothetical combination of Emmoft, Robertson and Barret in view of Bjorn.

Claims 7, 8, and 21 each ultimately depend from claim 5. Accordingly, applicant submits that claims 7, 8, and 21 of the present application are patentable over the hypothetical Emmoft--Robertson--Barret combination, at least for the reasons stated above with respect to the rejection to claim 5. In addition, Bjorn does not cure the deficiencies of the hypothetical Emmoft--Robertson--Barret combination, as Bjorn does not teach, suggest, or provide motivation for, either alone, or in any hypothetical combination with Emmoft--Robertson--Barret, an ID card holder comprising a "receptacle including a cutout, wherein the holder is adapted to be placed on a string by way of the cutout, and to be worn on a user's neck."

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Accordingly, Applicant submits that claims 7, 8, and 21 of the present application are patentable over the hypothetical Emmoft--Robertson--Barret--Bjorn combination, at least for the reasons stated above with respect to the rejection to claim 5, and withdrawal of the rejection to that claim under 35 U.S.C. § 103(a) is respectfully requested.

Claims 24-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the hypothetical combination of Emmoft in view of U.S. Patent No. 4,636,622 to Clark.

By way of this Amendment, claims 24-30 have been cancelled without prejudice or disclaimer. Thus, applicant submits that the rejections to those claims are moot, and withdrawal of the rejections to those claims is respectfully requested.

Applicant respectfully submits that none of the cited references, either taken alone, or in any proposed hypothetical combination, teach, suggest, or provide motivation for any of the claimed inventions in the present application.

In view of the above remarks, an early allowance of the present application is respectfully requested.

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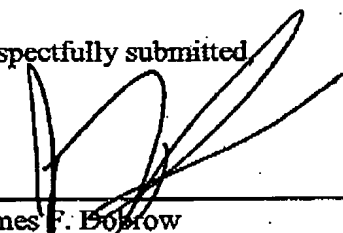
CONCLUSION

The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 501358.

Applicant's undersigned attorney may be reached by telephone at (973) 597-2500.

All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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